REMARKS/ARGUMENTS

Claims 1-14 are currently pending in this application.

Claim 1 has been amended to clarify the operation of the present invention, in particular the determination of a subset of RRM algorithms to be executed and placing the radio link into a busy state. Claims 2-5 and 8 have been amended based on changes made to claim 1. Claims 9-11 have been amended to clarify the operation of the present invention. Claim 13 has been amended to correct a minor typographical error.

Claim Rejections - 35 USC §103

Claims 1-4, 7, 9-11, and 14 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent Application Publication No. 2003/0096608 to Mortensen et al. (hereinafter "Mortensen") in view of an article by Vucetic et al. (hereinafter "Vucetic").

Claims 5, 6, 8, 12, and 13 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Mortensen in view of Vucetic and further in view of U.S. Patent No. 6,771,624 to Lu.

Mortensen relates to a communication device and method for handling congestion in a wireless communication system by increasing the interleaving length (paragraphs 0014-0015). A change in the interleaving length leads to other

communication parameter changes (paragraphs 0018 and 0033). A complete parameter set, including interleaving length and other associated communication parameters, can be preset (paragraph 0018). These different parameter sets can be stored in a mobile phone in different registers (paragraphs 0027-0028).

Upon detecting congestion, the interleaving is increased. The increased interleaving value is sent to the mobile phone via TFCI signaling. Upon receipt of the TFCI signaling, the mobile phone selects the parameter set corresponding to the new interleaving length (paragraphs 0030-0031). When the congestion is relieved, an interleaving length for a non-congested network condition is selected, and is communicated to the mobile phone via TFCI signaling. Upon receipt of the TFCI signaling, the mobile phone selects the parameter set corresponding to the non-congested interleaving length (paragraph 0032).

Vucetic, in section 7.2 (page 1273), discloses a multi-algorithm dynamic channel allocation mechanism. Multiple channel allocation algorithms reside on a switch in a cellular network, and each algorithm has its own performance advantages. The switch evaluates all of the algorithms and selects the "best" algorithm based on current network conditions (item 3 in section 7.2). Only one algorithm can be active at a time. The switch also determines whether the "best" algorithm is the currently active algorithm (item 4 in section 7.2), and switches to the "best" algorithm if it is not currently active.

Combining the disclosures of Mortensen and Vucetic would not lead one of ordinary skill in the art to the present invention as recited in claim 1. In particular, neither Mortensen nor Vucetic disclose placing the radio link into a busy state such that only one RRM algorithm can be executed and operate on the radio link at a time, the radio link remaining in the busy state for the duration of an RRM algorithm's execution.

In the Advisory Action dated September 11, 2006, the Examiner argues that the "busy state" feature is disclosed by Mortensen paragraphs 0032 and 0037, and in particular:

> Mortensen discloses a way of controlling load (congestion) on communication network by rejecting communication request through forbidding the mobile station to access the channel for some specified length of time by switching parameter set .... Thus, in the initial parameter, there would be no communication, whereas in the alternative parameter, there would be communication. Thus, as the congestion occurs, the initial parameter is in the busy state.

This characterization of Mortensen is incorrect on two counts. First, as disclosed in paragraph 0014, the invention of Mortensen "enables to handle a congestion situation <u>without service refusal</u>" (emphasis added). Second, as described generally in paragraph 0018, when the interleaving length is changed to relieve the congestion situation, corresponding communication parameters are also changed. These changes are made to avoid service interruption due to congestion.

In the embodiment disclosed in paragraphs 0030-0031:

In response to the detection of the congestion situation the RNC 2 selects an increased interleaving length for data packets 8 to be sent to the mobile phone 4. The data packets 8 have a header 9 which contains a Transport Format Combination Indicator (TFCI). The TFCI is a data field in the header 9 which indicates - among other things - the interleaving length which is used for the data packets 8.

When the data packet 8 is received by the mobile phone 4 the interleaving module 5 selects the parameter set with the increased interleaving length in accordance with the interleaving length specified by the TFCI data field. This way the parameter set which is stored in the register 7 is selected by the interleaving module 5.

By changing parameter sets, Mortensen permits communication to be ongoing, just with different communication parameters. The parameter sets used by Mortensen are alternatives, and only one parameter set is active at a time. An inactive parameter set is not placed into a busy state, as argued by the Examiner.

In contrast, in claim 1 of the present application, the radio link is placed into a busy state such that only one RRM algorithm can be executed and operate on the radio link at a time, the radio link remaining in the busy state for the duration of an RRM algorithm's execution. As recited in claim 1, the radio link stays operational whether in the busy state or not. If the Examiner's arguments based on Mortensen were applied to the present application, the radio link would have to be taken down and then reinstated at a later point in time; this does not happen in the present application.

Based on this difference, the present application as defined by claim 1 is distinguishable over the cited references.

In regard to claim 9, the arguments made in connection with claim 1 can also be applied to claim 9, and therefore, claim 9 is distinguishable over the cited references.

Conclusion

Based on the foregoing amendments and remarks, the combination of Mortensen and Vucetic does not lead one of ordinary skill in the art to the invention recited in independent claims 1 and 9. Therefore, the independent claims (i.e., claims 1 and 9) are distinguishable over the cited references. Because the independent claims are distinguishable over the cited references, the dependent claims (i.e., claims 2-8 and 10-14) are also distinguishable over the cited references without the need for additional comment.
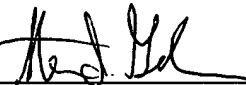
It is respectfully submitted that the amendments and remarks made herein place pending claims 1-14 in condition for allowance. Accordingly, reconsideration and allowance of pending claims 1-14 are respectfully requested.

If the Examiner does not believe that the claims are in condition for allowance, the Examiner is respectfully requested to contact the undersigned at 215-568-6400.

Respectfully submitted,

Briancon et al.

By _____

Steven J. Gelman
Registration No. 41,034

Volpe and Koenig, P.C.
United Plaza, Suite 1600
30 South 17th Street
Philadelphia, PA 19103
Telephone: (215) 568-6400
Facsimile: (215) 568-6499

SJG/mnr